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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,363	09/15/2000	Yoon Kean Wong	PALM-3303.U.S.P	2503
49637 7590 04/21/2008 BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069				
EXAMINER				
FRENEL, VANEL				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
04/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/663,363

Applicant(s)

WONG, YOON KEAN

Examiner

VANDEL FRENEL

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 11-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-16, 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.

Notice to Applicant

2. This communication is in response to the RCE filed on 10/31/07. Claims 1, 8, 9, 16, 19-21 have been amended. Claims 2, 10, 17 have been cancelled. Claims 1, 3-9, 11-16 and 18-24 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-9, 11-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goyal et al (5,873,108), Koyabu et al (6,026,333), Conmy et al (6,101,480) in view of Young et al (2004/0008971) and further in view of Net Calendar

Inc. to Launch Your Local Buzz- The First Wireless Local Event Service (Business Editors/Hi-Tech Writers. Business Wire. New York: Mar 15, 2000. pg.1).

(A) Claims 1 and 9 have been amended to recite the limitations of “for a handheld computer” and “wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category”.

Goyal, Koyabu Conmy and Young do not explicitly disclose “for a handheld computer” and “wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category”.

However, this feature is known in the art, as evidenced by Business Wire. In particular, Business Wire suggests “for a handheld computer” and “wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category” (See Business Wire, Page 1, Paragraphs 1-2 to Page 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Business Wire within the collective teachings of Goyal, Koyabu, Conmy and Young with the motivation of allowing users to synch local events from their calendar with PDAs and desktop organizers. For example, a consumer can enter a meeting into their private Daily Drill.com calendar, then request that a reminder be sent to their digital pager one day before the meeting, then synch their Daily Drill.com calendar with their Palm V. All appointments and local events on Daily Drill.com will flow into the consumer's handheld PDA (See Business Wire Page 2, Paragraph 1).

As best understood Goyal, Koyabu, Conmy, Young not disclose "based on clock time of day", "in said hand held computer being", "which differentiates between business and personal hours".

However, this feature is known in the art, as evidenced by Business Wire. In particular, suggests "based on clock time of day", "in said hand held computer being", "which differentiates between business and personal hours" (See Business Wire, Page 1, Paragraphs 1-2 to Page 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Business Wire within the collective teachings of Goyal, Koyabu, Conmy and Young with the motivation of allowing users to synch local events from their calendar with PDAs and desktop organizers. For example, a consumer can enter a meeting into their private Daily Drill.com calendar, then request that a reminder be sent to their digital pager one day before the meeting, then synch their Daily Drill.com calendar with their Palm V. All appointments and local events on Daily Drill.com will flow into the consumer's handheld PDA (See Business Wire Page 2, Paragraph 1).

(B) Claim 16 has been amended to recite the limitations of "wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category"; and wherein the data comprises one of address book data, notes data, email data, to-do list data and calendar data".

Goyal, Koyabu Conmy and Young do not explicitly disclose "wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category"; and wherein the data comprises one of address book data, notes data, email data, to-do list data and calendar data".

However, this feature is known in the art, as evidenced by Business Wire. In particular, Business Wire suggests "wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category"; and wherein the data comprises one of address book data, notes data, email data, to-do list data and calendar data" (See Business Wire, Page 1, Paragraphs 1-2 to Page 2, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Business Wire within the collective teachings of Goyal, Koyabu, Conmy and Young with the motivation of allowing users to synch local events from their calendar with PDAs and desktop organizers. For example, a consumer can enter a meeting into their private Daily Drill.com calendar, then request that a reminder be sent to their digital pager one day before the meeting, then synch their Daily Drill.com calendar with their Palm V. All appointments and local events on Daily Drill.com will flow into the consumer's handheld PDA (See Business Wire Page 2, Paragraph 1).

As best understood Goyal, Koyabu, Conmy, Young not disclose "which differentiates between business and personal hours".

However, this feature is known in the art, as evidenced by Business Wire. In particular, suggests "based on clock time of day", "in said hand held computer being", "which differentiates between business and personal hours" (See Business Wire, Page 1, Paragraphs 1-2 to Page 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Business Wire within the collective teachings of Goyal, Koyabu, Conmy and Young with the motivation of allowing users to synch local events from their calendar with PDAs and desktop organizers. For example, a consumer can enter a meeting into their private Daily Drill.com calendar, then request that a reminder be sent to their digital pager one day before the meeting, then synch their Daily Drill.com calendar with their Palm V. All appointments and local events on Daily Drill.com will flow into the consumer's handheld PDA (See Business Wire Page 2, Paragraph 1).

(C) Claims 19 and 20 have been amended to recite "electronic storage medium. However, this limitation does change the breadth and the scope of the claim as originally presented, and are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(D) Claim 21 has been amended to recite the limitation of " which differentiates between business and personal hours".

As best understood Goyal, Koyabu, Conmy, Young and Business Wire disclose "based on clock time of day", "in said hand held computer being", "which differentiates between business and personal hours".

However, this feature is known in the art, as evidenced by Business Wire. In particular, suggests "which differentiates between business and personal hours" (See Business Wire, Page 1, Paragraphs 1-2 to Page 2, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Business Wire within the collective teachings of Goyal, Koyabu, Conmy and Young with the motivation of allowing users to synch local events from their calendar with PDAs and desktop organizers. For example, a consumer can enter a meeting into their private Daily Drill.com calendar, then request that a reminder be sent to their digital pager one day before the meeting, then synch their Daily Drill.com calendar with their Palm V. All appointments and local events on Daily Drill.com will flow into the consumer's handheld PDA (See Business Wire Page 2, Paragraph 1).

(E) Claims 3-8, 11-15, 18, and 22-24 have not been amended are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 11/10/07 with respect to claims 1, 3-9, 11-16, 18-24 have been considered but they are not persuasive.

(A) At pages 9-10 of the response filed on 11/10/07, Applicant argues that the newly added features in the 11/10/07 amendment are not taught or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 11/10/07 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Goyal, Koyabu, Conmy, Young and Business Wire, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied prior art teaches Business Monday Key to working at home: staying organized; [01 Edition] by Robin Lawson. Boston Herald. Boston, Mass.: Oct 10, 1994. pg. 026 and Motorola's New Flexsmart-tm Pager With Organizer Features Combines Paging and Personal Information Manager Functions by Business editors. Business Wire. New York: Jul 21, 1998. pg.1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/

Examiner, Art Unit 3627

January 5, 2008